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09/780,893	02/09/2001	Scott Weller		9028

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EXAMINER


JARRETT, SCOTT L

ART UNIT PAPER NUMBER

3623

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/780,893	Applicant(s) WELLER, SCOTT 	
	Examiner Scott L. Jarrett	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/09/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because elements contained in Figures 1 and 2 are not labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. The numbering of claims is improper as claims must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). In the present case Claim 7 was skipped when numbering the original claims 1-20. The misnumbered claims 8-20 have been renumbered 7-19 for the purposes of examination. Corrective action is required.

3. Claims 1 and 13 are objected to because of the following informalities: Claims 1 and 14 use the term "data base" instead of the intended term "database" (Claim 1, Line 16; Claim 13, Line 14). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding Claim 13 the disclosure fails to state or teach one of ordinary skill in when to stop repeating steps 13b-13d. Without this disclosure one skilled in the art would be unable to practice the invention without undue experimentation.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2, 8, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite and failing to point out and distinctly claim the subject matter which the applicant regards as the invention.

Regarding Claims 2 and 8 the disclosure does not clearly define the phrase "workflow script." The phrase workflow script could include a plurality of concepts

including but not limited to: a program written in a general-purpose programming language which defines/executes the flow of work within an organization, software to manage and monitor business processes, a list of commands that can be executed producing a workflow, a document outlining a plan of action for a project, a document which defines the flow of a conversation (prepared speech) for a telemarketer or any of a plurality of other definitions thereby making the term "workflow script" as claimed vague and indefinite.

Regarding Claim 13, claims 13c, 13d, and 13e recite the limitation "said set of plurality of agents." There is insufficient antecedent basis for this limitation in the claim as the disclosure does not describe a set of plurality of agents only a plurality of agents. Examiner interpreted Claim 13 as intending to refer to a set (sub-set) of agents formed from the plurality of agents (super set).

Further the set of agents (sub-set) is not described or clearly defined in the disclosure making the phrase "set of plurality of agents" as claimed vague and indefinite.

Regarding Claim 14 the disclosure does not clearly define the phrase "work value." The phrase work value could include a plurality of concepts including but not limited to: a monetary value for work provided/supplied, a numerical value for work provided/supplied, the amount of money or goods or services that is considered to be a fair equivalent for something else, the regard with which the work is held or any of a

plurality of other definitions thereby making the term "work value" as claimed vague and indefinite. Examiner interpreted the phrase "work value" to mean the amount and/or rate charged or billed for work.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stipanovich et al., U.S. Patent No. 5,117,353, in view of Bukow, U.S. Patent No. 6,567,784.

Regarding Claims 1, 7 and 13 Stipanovich et al. teach a system for screening agents (temporary help), assisting agents in testing their skills, receiving project work descriptions (job orders) from a plurality of clients, matching agents based on their qualifications to work projects, monitoring the work project in progress and making payments for work completed (Column 2, Lines 1-12; Figure 2; Figure 12; Claim 1).

Stipanovich et al. further teach a system for assigning and distributing work over a computer network comprising:

a) a central computer for coordinating the assigning and distribution of work (Figure 1, Element 11);

- b) a plurality of terminals (Column 4, Lines 36-45; Claim 1);
- c) communication between the system and at least one other system (Inter-System Communication; Figure 12; Column 16, Lines 27-68, Column 17, Lines 43-50; Column 2, Lines 13-22);
- d) a database containing work project descriptions (job orders; Figure 4, Element 300; Column 13, Lines 43-53; Column 14, Lines 55-68; Column 15, Lines 1-68; Column 16, Lines 1-24);
- e) a database containing agent profiles (employee inventory, qualifications, skills, availability, etc.; Column 13, Lines 42-68; Column 14, Lines 1-54);
- f) a means for screening the set of qualifications of agents and matching agent qualifications to work project descriptions (Figure 1, Element 2; Figure 2; Element 12; Column 2, Lines 1-18; Column 3, Lines 24-25; Column 4, Lines 46-54; Column 8, Lines 20-60);
- g) a means for accessing work project descriptions (database) for review of work projects by an agent (Figure 6a; Column 9, Lines 50-61); and
- h) a means for accepting a work project by an agent (Figure 6a, Elements 100-102; Column 3, Lines 59-65; Column 9, Lines 50-61).

Stipanovich et al. teach the utilization of alternative hardware and software configurations for the system for assigning and distributing work (Column 17, Lines 43-67). However, Stipanovich et al. does not teach the utilization of Internet technologies.



Bukow teaches a system for assigning and distributing work over a computer network (Internet) wherein the system matches projects and agents (workers) utilizing a plurality of parameters (Abstract; Claim 1).

Bukow further teaches a system for assigning and distributing work over a computer network comprising:

- the utilization of Internet technologies (web-based; Figures 1-8; Column 1, Lines 7-9; Claim 20);
- communication between a plurality of systems (Column 9, Lines 9-15);
- a database containing work project descriptions (activities, projects; Column 5, Lines 46-52; Figures 3 and 8);
- a database containing agent profiles (worker activity characteristics, worker information; Column 5, Lines 46-52);
- a means for screening the set of qualifications of agents (worker characteristics, quantitative characteristics; Figure 1, Element 122) and restricting access to agents whose characteristics match the work project characteristics (project profiles; Abstract; Figures 2-4; Column 1, Lines 63-65; Column 7, Lines 64-68; Column 8, Lines 55-68);
- a means for accessing the work project descriptions (database) for review of work projects by an agent (Figures 3-5; Column 8, Lines 1-48); and
- a means for accepting a work project by an agent (Figures 4-5).

It would have been obvious to one skilled in the art at the time of the invention that the system for assigning and distributing work over a computer network as taught

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by Stipanovich et al. would have benefited from the Internet technologies utilized by the web-based system for matching projects and workers in view of the teachings of Bukow; the Internet technologies providing a convenient platform for deploying a workforce exchange and broaden the ability to work with geographically dispersed workers (Bukow '784; employees; Column 1, Lines 35-38).

Stipanovich et al. does not teach a means for locking out agents from reviewing work projects after the work project has been accepted by one or more agents.

Official notice is taken that it is old and well known in the arts of software engineering and business negotiations to provide a means to preventing the assignment of more resources (agents) to a particular project/effort than is required or allowed. More specifically database management systems provide simple mechanism for locking data rows (in the present case work project descriptions), which could readily be used to prevent more than the allowed number of resources review or accept work projects that are already fully allocated (accepted by one or more agents).

It would have been obvious to one skilled in the art at the time of the invention that the system for assigning and distributing work over a computer network as taught by Stipanovich et al. would have benefited from the means for locking a work project from being viewed or accepted by agents after the work projects allotted number of agents had been accepted or assigned therefore insuring work projects are not

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overbooked or the number and nature of work projects available in the system is misrepresented.

Regarding Claims 2 and 8 Stipanovich et al. teach the scheduling of job workflow based on dates (Figure 5; Column 9, Lines 1-11) and stacked jobs as a means for managing (posting, making available) an agent's flow of work (Column 8, Lines 35-36; Figure 6A).

Regarding Claims 3 and 9 Stipanovich et al. teach a system for assigning and distributing work over a computer network as discussed above and further comprising an agent identification number (Column 13, Lines 55-56).

Regarding Claims 4, 5, 10 and 11 Stipanovich et al. teach the monitoring and reporting on work progress and agent performance (monitoring jobs-in-progress, trend reports and patterns; Column 2, Lines 8-10, Column 3, Lines 3-8; Column 10, Lines 45-68; Column 11, Lines 1-22; Figures 7, 8, 10 and 11).

Regarding Claims 6 and 12 Stipanovich et al. teach a means for making payment to agents upon completion of a work project (generating payroll checks; Column 12, Lines 32-59; Figure 9).

Regarding Claim 14 Stipanovich et al. teach establishing a work value (billing information, pay rate (low, high and actual), gross profit, time spent; Column 15, Lines 21-30 and Line 62; Column 16, Lines 4-24; Claim 1) for a project accepted by an agent.

Regarding Claim 15 and 16 Stipanovich et al. teach communication between the customer (party posting work projects) and the temporary help business representing agents (Figures 12 and 13; Column 16, Lines 1-68) regarding the assignment and distribution of work projects including the exchange of job order information and other information and reports necessary for the management of work projects and agents.

Stipanovich et al. does not teach the utilization of Internet technologies.

Bukow teaches the utilization of Internet technologies as discussed above.

It would have been obvious to one skilled in the art at the time of the invention that the system for assigning and distributing work over a computer network as taught by Stipanovich et al. would have benefited from the Internet technologies utilized by the web-based system for matching projects and workers in view of the teachings of Bukow; the Internet technologies providing a convenient platform for deploying a workforce exchange and broaden the ability to work with geographically dispersed workers (Column 1, Lines 35-38).

Regarding 17 Stipanovich et al. teach a plurality of information regarding work projects (job order, job information; Columns 14-16) that is used to manage and communicate information regarding work projects amongst agents, the temporary help business and customers (Job Order File Format, Column 14, Lines 55-68, Column 15, Lines 1-68; Job Information, Column 16, Lines 4-24; Report Trends and Patterns, Lines 28-41; Figures 4 and 12).

Regarding Claim 18 Stipanovich et al. teach the generation and utilization of a list of agent qualifications (employee inventory, job order skills required; Column 5, Lines 15-20) and the matching of agent qualifications to work project descriptions as discussed above (Figure 1, Element 2; Figure 2; Element 12; Column 2, Lines 1-18; Column 3, Lines 24-25; Column 4, Lines 46-54; Column 8, Lines 20-60) and restricting access to agents who match work project descriptions (job order, Figure 6a; Column 9, Lines 50-61; Claims 2 and 12).

Regarding Claim 19 Stipanovich et al. teach monitoring the progress of work projects as discussed above and making changes to an agent assigned to work projects (replacing worker, Column 4, Lines 2-8; Column 10, Lines 56-68; Column 11, Lines 1-9; Figures 5, 6a and 7; Claim 9) until work project is complete.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Rizzo et al., U.S. Patent No. 6,470,338, teach a system for assigning and distributing work over a computer network (Internet). More specifically Rizzo et al. teach a system for matching customer work assignments (needs, requirements) with agents who provide those services (professional services) based on customer work and agent profiles.

- Knudson et al., U.S. Patent No. 5,765,140, teach a project management and planning system that enables companies to effectively manage work projects when utilizing internal and external employees and contractors (agents) and further wherein agents are selected for projects which match their respective profiles.

- Barney et al., U.S. Patent No. 6,070,143, teach a system for determining work project/assignments (job) requirements and linking the work project requirements to agent profiles (skills, training and the like).

- Clark et al., U.S. Patent No. 5,164,897, teach a method for assigning and distributing work of a computer network comprising the step of selecting agents (personnel) having qualifications matching work project descriptions (job criteria).

- eWork.com, an Innovative Start-up, launches Preview of Internet's First Market 'Excahnge' for e-workers, teaches the launch of eWork.com by eWork Exchange, Inc., a system for assigning and distributing work over the internet wherein agents (eWorkers) are matched with customer work project descriptions (eProjects). The article further

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teaches the facilitation of all aspects of working on eProjects including the receipt and delivery of work projects over networks.

- eWork Launches Online Market Exchange to Meet Growing Demand for Contract Professionals; eWork's Exchange Connects Companies with Growing Force of Contract and Project-Based Pros Who Work Online teaches the launch of the eWork exchange wherein agents (contract professionals) can represent their qualifications (skills, work experience and the like) and companies (project managers) can represent their work project descriptions (project pages) as the first step in connecting agents with projects (matching/screening). The article further teaches the availability of online workspaces enabling project teams to work together online providing a single location to find and conduct over a network.

- eWork Helps Companies and Project Professionals Connect with Web-Based Resumes and Project Descriptions; Web-sumes and Project Pages provide Detailed Information, Have Own URL teaches a system (eWork exchange) for project managers and agents connect, engage and work together to complete projects online. The article further teaches that Hans Bukow is the President and CEO of eWork.

- Web site allows digital pros to shop for work teaches a system (eWork Exchange) wherein project employers and agents are matched thereby providing qualified resources/talent for active projects.

- eWork Exchange hits Major Milestone; The First Internet Workplace to Top a Quarter Billion in Combined Projects and Workforce, teaches a system for assigning

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and distributing work over a computer network that further contains \$125 Million in project work available to agents.

- Thousands of Freelancers Connect with Buyers During Website Beta Test, teaches a system (eLance.com) for assigning and distributing work over a computer network. The article further teaches a global services marketplace wherein buyers (projects) post work project descriptions and agents (sellers) bid on the projects and further wherein project work is conducted utilizing an online workplace (my.eLance) enabling buyers and sellers to communicate and share documents in real time over the Internet.

- Eisenberg D., We're for hire, just click, teaches Monster.com's talent market wherein a system is provided enabling agents (freelancers, contractors, etc.) to represent their qualifications and put themselves up for auction to prospective employers. Eisenberg further teaches a plurality of labor marketplaces including Monster.com, eLance.com, bid4geeks.com and freeagent.com.

- Icarian Delivers the First Complete, Collaborative Suite of eServices for Growing and Managing Today's Workforce teaches a system for the complete management of agents (workforce) including the planning, hiring, deploying and retaining of agents.

- Kumar et al., Business negotiations on the Internet, teaches a plurality of scenarios for conducting business negotiations on the Internet including the use of request for proposals (reverse auction) to match agents with work projects.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (703) 305-0587. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (703) 306-5679. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJ  
11/22/2004

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